

Meeting of 2000-1-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 25, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Father Stafford, Blessed Sacrament Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE AWARDS

Mayor Powell presented 25 year service awards to Billy J. Baker, Claude H. Brazzel, Shirley Butler and Charles D. Whitis. Randy Maples and Ronald Smith were not present to receive their awards.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO NORMAN BUSCH, STREET DIVISION, PUBLIC WORKS DEPARTMENT

Jerry Ihler, Public Works Director, introduced Norman Busch who was accompanied by his daughter. He commended Mr. Busch's job performance as the Tool & Sign Specialist, and for his diversity and willingness to fill in for whatever duties needed to be performed. Mayor Powell presented a plaque from T & S Printing, a Certificate of Honor from the City of Lawton, and two days nonchargeable leave. Mayor Powell said he would also donate barbeque dinners and a car wash from Pappy's Corner. Busch thanked his co-workers for nominating him for the award.

BRIEFING FROM MG (Ret) LEO J. BAXTER ON THE ECONOMIC DEVELOPMENT PLAN

MG (Ret) Leo J. Baxter said the Smart Economy Task Force is composed of 80 citizens, has met for the last 15 months and the presentation is a summary of the work done. He said the study they are doing could be a part of the vision for the City to be discussed in a later agenda item. Baxter said the study states that planned progress is needed and a chart portrayed the trade corridor going west to east from Altus, Lawton, Duncan and Ardmore, and a second running from Wichita Falls, Lawton, Chickasha, and another showing an electronic trade corridor yet to be described in the future which could cut through Southwest Oklahoma. He said a new economy is emerging and has emerged, and it is based on creation of jobs and wealth that is tied to ideas, innovation and technology; it is commonly referred to as a smart economy and we should seek to participate in it.

Baxter said we have a per capita income well below the national average and a recent OU report shows that over 9,000 citizens are employed in jobs for which they are overqualified and underpaid. He said these conditions are unfortunate but bode well for the economy just described because many of the people are already qualified to do more skillful work but do not have that opportunity. The study began 15 months ago under the auspices of the Mayor and they have received funding from the U.S. Department of Commerce and the results of the study were briefed to the Mayor last December. The local civic clubs and others are now receiving the same message as is being presented tonight. Cameron University was asked by the Mayor to coordinate the study effort; it is not a Cameron study but a community study and the effort was blessed by outstanding participation from the citizens. When the study began, the requirement for more and higher paying jobs and a

better quality of life for all citizens was envisioned, and the study attempted to provide a clear understanding of what we must do if we are to compete favorably in this portion of the economy. The study focused on advanced technology, knowledge industries and education but this focus must compliment our existing economic development efforts and in no way should be viewed as replacement for the outstanding efforts being made by the Chamber of Commerce and the many other organizations working very hard in this area. The City needs the type of high paying jobs the smart economy can produce but it also needs \$8 to \$12 per hour jobs as well.

Baxter said the study was organized into ten groups from analyzing the current work force to studying other successful cities to determining funding needs and possible sources. For a consultant to have been hired to do this work, rather than volunteers who simply cared about it, the cost would have been astronomical. The study effort had specific goals but the group knew those had to be associated with the values inherent in the culture of Southwest Oklahoma, those being education, freedom, the work value, family, trust in fellow man, pride in our community and country, and these values represent Oklahoma as part of America's heartland.

Baxter said the findings of the study were that any effort to succeed in this new economy requires a talented work force, sound infrastructure both in technology and community, and money through a combination of investment capital, government funding and corporate investments. The study identified 12 success factors that are listed; the better we perform as a community in these areas, the more likely we are to attract high tech business. The group then rated how we as a community currently fare against these factors; Lawton-Fort Sill was found to have a motivated work force, a very favorable cost of living and a reasonable financial environment in which to conduct business. Other areas were seen as typical or average and will need work, such as insuring a business friendly environment, tax incentives for potential new businesses and public transportation, while the overall community awareness and participation was seen to be less than adequate and we hope this area is improved as a result of this effort and education.

Baxter said they traveled across the country and focused on learning from many communities who share common demographics yet seem to have taken strong steps already and have seen success with technology based industry; Lubbock, Abilene, Amarillo, Duncan, Edmond and Pocatello, Idaho, were among the communities they visited. He said they learned that key points include our lack of a full time, well funded organization dedicated solely to pursuing economic development opportunities; we need such an organization. Every successful community visited had a good plan and process in place but Lawton, to this point, does not. We must have strong community support, strong educational systems and the communication bandwidth to support technology growth. There are countless emerging technologies upon which we can focus, and many are so new that we must seek to define them. Certain of these seem well suited for Lawton-Fort Sill, such as simulation, multi-media, training developments and environmental engineering where we already have our foot in the door and can focus on these.

Baxter said the study contains several proposed recommendations and initiatives that should be done immediately. We must establish a full time, funded economic development organization whose sole role is to provide a central focus and begin the process of attracting and recruiting desirable, high tech companies into our community. A team is forming to design the organization, recommend how it will be funded and to write its charter. This organization must and will coordinate the efforts of the many organizations who seek to support efforts for a stronger economy. There is no shortage of concerned people and there is no shortage of organizations seeking to further these efforts. We must immediately seek to expand our technology base; more technology in education, additional computers for our schools and applied research capability for our university. A regional research center is key and we already have many government and private organizations in the Lawton-Fort Sill area who are deeply involved in research which must simply be linked together and then leveraged. We must then expand our ability to communicate electronically and in an affordable way; it is all about bandwidth. This situation already seems to be improving.

Baxter said an organization is also forming which will seek to build an investment capital network for our community, seeking funding from a wide variety of sources such as banks and other financial institutions, entrepreneurs and educational institutions. A positive, upbeat image campaign is contemplated to publicize the many outstanding, world class facets of this community. We are a rich community and our future is bright; our potential is unlimited. A large citizens group will be employed to oversee and assist with this effort. The high tech companies already in place should be brought into a coordinated partnership; Goodyear, Telos, TechMasters, AST, Stellar, Coleman Research and others have much expertise to give and we need to learn from their successful experiences, follow their lead and listen to their advice.

Baxter said we must grow, attract and support advanced technology industries to our region through a series of actions which will move us forward quickly and expertly. Other initiatives are planned for the near term; we need a technology park, a world class conference center, and we must do better locally in capturing key Fort Sill contracts, among other things. In the longer term, more work is to be done to gain recognition for the progress we anticipate.

Baxter said this is a good report and the recommendations in it are clear. He said we have a complex, sophisticated and outstanding community and simply must put our efforts together to be successful; we have a strong community partnership with Lawton-Fort Sill, our government, educational systems, and existing industries are a pretty solid team. We need to form seven additional volunteer citizen groups and they have already begun work. He said they plan to appear before Council again in the near future to seek advice, commitment and also support. Baxter said he appreciated the opportunity to present the report.

Mayor Powell said the group was put together in September 1998 and he asked General Baxter for his help. He said this is the result and they have acted very professionally and expediently, and there will be future headlines where the per capita

income will increase greatly. He expressed appreciation for the report and said they would look forward to future reports also.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JANUARY 11, 2000 AND SPECIAL MEETING OF JANUARY 18, 2000.

MOVED by Purcell, SECOND by Williams, for approval of the minutes. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Tom Riddle, representing the Lawton Firefighters, presented petitions which he stated contained signatures of over 5,100 registered voters in the City of Lawton which in essence request that the City Council re-adopt Resolution No. 99-135 to adopt the arbitration award and dispose of all of the controversy. He said an election will be held February 8 unless the Council stops it. Riddle asked Council to reconsider its position and stated an action by the Council would lay to rest all outstanding issues between the City, the Council, the Firefighters and the Public, and that is in the interest of this community. Riddle said he believed the union should be protected and benefitted from the arbitration award that both parties had an equal opportunity in which to prevail; the Council obviously does not like the award but it was conceived and prosecuted in due process and good faith under the wisdom of our legislature to protect the citizens of this community from strikes, work stoppages, slow downs or other discontent within your work force. He said every firefighter is dedicated to the citizens and the public it serves.

Riddle said their efforts must go outside the general benefits of organized labor; they do not have that and may not want it but they have done everything according to the rules, by the book, and there is an equity question that they believe is well represented in the arbitration panel's decision. He urged Council to reconsider its position and lay the issues to rest.

John Spray said this has been a confusing issue; an article stated this contract would cost \$50,000 plus per firefighter this year but it did not say if it was the total package and left an impression that perhaps it would be \$50,000 plus extra and it was not stated clearly. He said he did not think anything had been stated clearly about this and did not believe it was the responsibility of the citizens to decide about this matter and that was why they had elected Council members to represent their best interest and the firefighters' best interest and that he did not believe that was being done.

UNFINISHED BUSINESS:

1. Consider adopting an ordinance amending Section 7-1302, Chapter 7, Lawton City Code, 1995, amending the definition of Adult Bookstore, Adult Novelty Store, or Adult Video Store. Exhibits: Ordinance No. 00-.

Warren said this was tabled to give the legal staff an opportunity to see if there was a way to keep two current businesses open in their present locations without changing the amount of allowable adult merchandise within a store before it is considered an adult establishment. Vincent said the legal staff has tried to find a way other than amending the gross square footage allowed for adult merchandise and has not been able to find anything to solve the problem other than the proposal being considered. Warren said his intention in bringing this forward was because he was asked to do so and he felt everyone had the right to be heard, and because we say we want businesses here and economic development, and businesses are closing in different places, so it was an attempt to keep businesses open without opening the flood gates to let in a lot of other things that many people did not want. Warren said if this cannot be accomplished, perhaps it could be placed on hold to give staff more time to see if there was any way to allow these businesses to remain open.

Mayor Powell said he had received numerous phone calls and letters asking Council to leave the ordinance in place as it was adopted in 1995 and remains in effect now.

MOVED by Shanklin, SECOND by Haywood, to keep the ordinance as it is in Chapter 7.

Beller said he appreciated those who are in attendance. He said he spoke favorably at the last meeting because this is a business. Beller said he received an unusual amount of phone calls and letters from churches and individuals, and he would agree with the constituency that the ordinance remain in effect as is and the community would be better served without changing it.

Purcell said he thought 35% was too high and that he had visited both businesses this weekend; one store said they would comply with the 10% rule so they would not be considered an adult bookstore and could remain; the other one will move anyway within the City limits. He said it was possible that it could be in a worse location than it is now and there is nothing the City can do about it because of the Supreme Court. Purcell said he agreed the Council should leave the ordinance as it is but that he was not sure they were really accomplishing what they thought they were accomplishing. He said he received several phone calls and letters and knew most of those would like this out of the city, and that would be great, but because of Supreme Court decisions, they will be here somewhere and we need to keep them as far away as possible from churches, schools and residential neighborhoods, and he supported leaving the ordinance in place.

Williams presented petitions in opposition and said a number of churches worked within their congregations concerning this issue; Cameron Baptist, Central Baptist, First Baptist, Calvary Baptist, and in and around the Eisenhower Junior High School area, the Liberty Heights area, and also the Northwest Church of Christ. He said he did not feel the Council wanted to drive anyone out of business but the ordinance is good and the businesses can comply. Williams said over 500 persons

have signed the petitions asking that the ordinance be left as is.

Mayor Powell asked if those in attendance would like to speak.

Dr. Gary Cook, First Baptist Church, thanked the Council for hearing from the community and said they had obviously received the message due to the indication that members felt the ordinance should remain intact. He said many citizens watch the Council meetings on Channel 2 and when it is 9:30 to 10 p.m., the question occurs to him as to why a person would do this, and it always comes back that the members genuinely care about this community and the quality of life. Dr. Cook said he believed this was an issue related to that and the newspaper recently reported there is a problem when 59% of the young people indicate they have already had sexual intercourse when the national average is 48%; when 39% say they have had four or more different sex partners in a lifetime when the national average is 16%; this says we have an issue and concern that we need to address together as people of good faith and leaders from every segment. Dr. Cook said he appreciated Council's comments.

Lisa Frizzell, 1508 NW 16th Street, said she is the manager of Christie's Toy Box and that she had been publicized a lot lately, although that was never the intent of this whole issue; it was to address the fact that they had been there for eight years and only wanted to continue to stay there. She said in 1995 she did not have the opportunity to speak. Frizzell said they operate as a controlled establishment; no minors are allowed whatsoever and that is their choice, not so much the law, but their choice to respect those issues. Frizzell said if a person wants a product, they will get it whether it is in Lawton, Dallas or Oklahoma City, and their intent was only to try to maintain here. She presented a petition containing 855 signatures in support of them staying within the City limits. Frizzell said the newspaper said it looked like battle lines were drawn, and that was not the intent at all. She said there are five employees, including herself, that work at this establishment and she has been there for four years; never has she been criticized for working there or for any of the items they sell. Frizzell said she knew her comments would not change anyone's mind and that she was respectful of that and knew this was a tough decision; she said she did not realize they had picked an election year to do this.

Frizzell said she read in the paper that Council was threatened with loss of their jobs in relation to this issue and that she understood that and had lived here all of her life. She said a statement was made January 11 that places like Christie's Toy Box and other establishments bring in more crime. Frizzell said in 1999 Class One Crimes decreased 14.4% from 1998, and homicides had decreased by 14.3% from 1998; rapes had decreased 5.7%; robberies had decreased 5.6%; assaults decreased 11.8%; burglaries decreased 17.9%; larcenies decreased 13%; auto theft decreased 25.8%. She said she received this information from the Lawton Police Department and also read Class One comparisons to other cities in Oklahoma, pointing out that Lawton was the last on the list on the comparisons, so the point is they do not bring in violence but try to provide education for young married couples and ask them to not be in a big hurry for children or getting into all different things; it is a person's decision if they would like to buy a sexual toy so then they do not have to get any diseases or go out to a bar or go out to a strip club and pick up somebody. Frizzell said she did not speak last time, and knew she would not change anyone's mind, and they could live with 10% and would comply or try.

Frizzell said they need to identify what is defined as adult materials and did not know who would make that decision. She said they had asked before who would possibly do that and would ask Council who would make that decision and if they needed to have someone come out and point out the items or identify the actual classification. Mayor Powell said he received a communication, and maybe everyone else did, but that he was not in a position to do that and neither was anyone on the Council. Vincent said Section 1302a subparagraph 2 of Chapter 7, Lawton City Code, defines this. Frizzell said it talks about sexual activities but there are none. Vincent said if Frizzell would read this section and the other two sections, she would understand the definition. Mayor Powell said if she did not have that, he would provide a copy. Frizzell said she does have the copy.

Mayor Powell said both sides had been heard and the Council had discussed it. He said if anyone else desires to speak, he would ask that it be short, brief and to the point and not repetitious.

Dr. John Dua, 1621 NW 47th Street, asked that the Council take no action to change the definition of adult stores or the 35%. He said the ordinance has served the community well and set a standard that the citizens wanted. Dua said changing the percentage could place sexually explicit materials within walking distance of schools, parks, churches, stores and restaurants, and available to anyone, and he knew that to be true because he took out a map and compass and figured it out. He said it is not an issue of whether someone may own a business but of the rights of the citizens to petition the Council to keep the character of the city the way it is now.

Warren said he feared that those who are asking that the ordinance remain unchanged would be disappointed when they find out what can happen. He said Christie's only wanted to stay where they were and he was fearful we would create a situation where we will get something we did not want by taking the action that is about to take place.

Mike Spray, 7408 Woodland Drive, told a story about children not opening a gate because they were told not to, but then climbing over the gate; it was not violating a law but it was violating the spirit in which it was made. He said we should not participate in something that we know in our hearts is wrong. Spray said there are murders and teen pregnancies, and we know the difference between right and wrong.

Jeremy Rausch, 3003 NE Pioneer Boulevard, said comments had been made about the teen pregnancy rate. He said he was 20 years old and was employed at Christie's Toy Box. Rausch said people his age come in to look for an alternative, a reason they do not have to be sexually promiscuous; it is very dangerous with many things going around and to tell people

you cannot have certain things because it is wrong, that in itself is wrong. He said people can decide on their own what they will do, such as take drugs, be an alcoholic, who they will have sex with and where, but it is never looked at as why not try to educate more instead of saying what is right and wrong, because what is right to one person may not be right to another. Rausch said a month ago, no one really paid much attention to Christie's Toy Box; their customers came and went and it was not a big deal and if people did not want to come in, they did not. He said they were going to move because the ordinance said they had to but now it has been publicized and Council had been threatened and it is not really worth all of this. Rausch asked that people and parents listen to their teens and educate them about sex so those rates can go down, and if Christie's can help educate kids to let them know.

Mayor Powell said there is a teen council and every youth is represented so they do have a voice, and that has just happened in the last year or so in an effort that they will be heard. Mayor Powell asked for a roll call on the motion on the floor.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Smith, Williams. NAY: Warren. MOTION CARRIED.

2. Consider adopting an ordinance amending Section 7-18-1811, Article 18, Chapter 7, Lawton City Code, 1995, by amending provisions relating to establishing a date for license renewal, quarterly purchase of initial license, expiration, and fee charged. Exhibits: Ordinance No. 00-2.

Vincent said there was a proposal at the last meeting to have a way to pro rate the license fees on a semi-annual basis. Staff was directed to provide a proposal to go to a quarterly basis and the ordinance being proposed accomplishes that.

Shanklin asked about the late fee of 10% and if a person had to apply before the current permit expired to avoid a penalty. Vincent said if a person comes in for a renewal after the permit has expired, the 10% would apply; it can be deleted or increased as Council desires. Beller suggested a person be given ten days after the expiration date before a penalty would be charged. Vincent said the license would expire on June 30 but the fees would be pro rated. Devine said he requested the item initially and some people have hundreds of these machines; if a person put in a new machine ten days prior to June 30, they would have to pay a full year and then on July 1 pay for another full year, and that was the reason for the request for the quarterly pro rating.

MOVED by Devine, SECOND by Purcell, to approve Ordinance No. 00-2, waive reading of the ordinance, read the title only.

SUBSTITUTE MOTION by Smith, to approve the ordinance and change the late fee from 10 days prior to expiration to make it due and payable on or after the expiration date.

Vincent said we are asking that the renewal be made ten days in advance of June 30; then there is a grace window of ten days and the late fee kicks in on July 1. Substitute Motion by Smith was withdrawn.

Shanklin asked if a permit can be purchased during any quarter. Vincent said if you buy a permit July 1, you pay for the whole year; if you buy it October 1, you pay for three quarters; January 1 would be half a year, March 1 would be one quarter of the charge.

(Title read by Clerk) Ordinance No. 00-2

An ordinance relating to coin operated devices, amending Section 7-18-1811, Article 18, Chapter 7, Lawton City Code, 1995, to establish a date for license renewal, quarterly purchase of initial license, expiration, and fee charged.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

Mayor Powell asked that Item 5 be considered at this time.

5. Hold a public hearing and consider a resolution changing the name of NE 20th Street to V.F.W. Way. Exhibits: Letter of Request; Location Map; Resolution No. 00-9.

Bob Bigham, City Planner, said a request was received from VFW Post 5263 to change the name of NE 20th Street to VFW Way; they have recently built a new facility at the north end of NE 20th Street, which is in the Summerwood Square Industrial Park. He said the plat was filed in 1986 when the dedication and naming of NE 20th Street took place. There are six businesses located on NE 20th Street and staff sent notice of this hearing to 14 owners and existing businesses. The resolution would accomplish the name change and cause notice to be given to utility companies. Beller asked the response received from the notice and Bigham said two telephone calls in opposition were received.

PUBLIC HEARING OPENED.

Don Fenter, 4713 SE Kincaid, said he is a member of VFW Post 5263 and serves as the Assistant Adjutant and is currently the State Senior Vice Commander for Oklahoma. He said he submitted the letter requesting the name change. Fenter said the Charter for the VFW charges that they are to take care of the community and he read a list of community projects

carried out by VFW 5263. He said they have 1,325 members at this post, which is the largest post in Oklahoma; there are approximately 500 auxiliary members. Fenter said they are chartered to perpetuate the honor and memory of their dead, and one of the small ways they felt they could do this was by asking, with them moving to a new home, to rename a two block street VFW Way. He said they take care of their widows and their children who are VFW members, as well as all veterans who die in combat or conflict. Fenter asked that Council approve the request.

Linda Reinwand, Treasurer of the non-profit organization that owns and operates the Animal Birth Control Clinic at 85 NE 20th Street, said they have been in their location since 1988 and are the oldest business on that street. Reinwand said they have nothing against the Veterans of Foreign Wars but they oppose the name change, and that a business would usually object to the expense and inconvenience of changing their address. She said this will include everything from signs to advertising, Yellow Pages ads, letterhead, envelopes, rubber stamps, and rabies tags which are embossed and metal and they purchase a years' supply at a time. Reinwand outlined the charitable work of their organization related to animals.

Kent Waller said he owns the building at 80 NE 20th and was opposed to this. He said the Veterans' were a good organization and that he would propose a compromise. Waller suggested leaving the name NE 20th Street but put a sign above it stating V.F.W. Way, and it could be left on the maps as NE 20th Street.

Deloris Delluomo said her husband developed Summerwood Square and he passed away a year ago. She said furious community service work had gone on at the end of that street for a number of years dealing with pets. Delluomo said if the name of the street is to be changed, it would be fitting, if you wanted to name it after a non-profit organization, to name it Humane Way. She said she owns the East Gore Plaza and none of those people received notices; she explained street addressing in the surrounding areas. Delluomo said they had been there for many years and preferred to keep the street named as it is.

PUBLIC HEARING CLOSED.

Purcell said the Post Office would continue to forward mail for quite some time in the future, and when stationery and rabies tags are re-done, the street name could be changed.

MOVED by Purcell, SECOND by Warren, to approve Resolution No. 00-9 renaming NE 20th Street to V.F.W. Way.

Devine said the VFW does a wonderful job. He said he has to look for addresses daily, through his business, and that he preferred numbered streets for being able to locate addresses more easily. Devine said he liked Mr. Waller's idea of recognizing the VFW, and they should be recognized and are due for that, but the name should stay NE 20th Street with a sign above it recognizing the VFW.

SUBSTITUTE MOTION by Devine, SECOND by Williams, to approve Resolution No. 00-9 using the idea Mr. Waller mentioned.

Mayor Powell said the substitute motion will be to leave it NE 20th Street but to have on top of that, the V.F.W. Way. Devine asked if the VFW would have a problem with that. Fenter said it would not be published or shown on maps as VFW Way so he would oppose that.

Williams said Fort Sill Boulevard and 11th Street are the same street, and NE 20th Street is not very long. He asked if a map could reflect both names. Bigham said it would be confusing to have signs and maps not containing the same street name. Williams asked how Fort Sill Boulevard and 11th Street were shown and Bigham said that is a tradition of the community. Mayor Powell said he had been advised by the City Attorney that both names could be shown. Shanklin asked if that would be acceptable to the VFW. Fenter said it would never be printed because it was less than a two block stretch of roadway and that was his opposition to that amendment. Shanklin said the VFW members know where the facility is located.

Shanklin asked about putting a sign in the median. Fenter said they had discussed that previously with Mrs. Delluomo and that was not accepted; she owns that land and they would not be able to put a sign there, as a matter of fact, since this letter has been sent, someone has taken every sign except Mrs. Delluomo's own personal signs, and the rest have been taken down. Fenter said they asked to place an electronic sign there and were denied. Shanklin asked if there could be a compromise and Fenter asked for time to confer with the other VFW members present.

Deloris Delluomo read a letter from the Lawton Bus Station opposing the request. She said she thought they had dedicated the median to the City, although they continue to maintain it. Delluomo said she asked that the signs for Play Care and for Roofers Supply to be taken down because she felt they were a detriment to the environment; the Animal Birth Control Clinic sign has not come down. She said she would like to name the street in honor of the animal organization.

Purcell said other streets have been renamed and the VFW is asking the Council to support this. He said two names would not fit on a map.

Fenter said the response from the VFW members present is that they would like their initial motion passed and if not, they would understand that it would be V.F.W. Way/NE 20th Street as per the amendment.

Mayor Powell said the motion is to rename NE 20th to VFW Way; and the substitute motion is to leave it NE 20th but also

add VFW Way.

Shanklin asked if a large sign can be put up. Ihler said they could make the sign as requested. Purcell said the problem is not the sign but what is shown on the map and you cannot get both names on a map.

VOTE ON SUBSTITUTE MOTION: AYE: Beller, Williams, Devine, Shanklin. NAY: Haywood, Warren, Smith, Purcell. TIE VOTE. MAYOR VOTED YES. SUBSTITUTE MOTION CARRIED.

(Title only) Resolution No. 00-9

A resolution renaming NE 20th Street to NE 20th Street/V.F.W. Way.

3. Hold a public hearing to consider Change 2 to the Consolidated One-Year Action Plan for FFY 1999, receive input from citizens, consider approving the change, and authorize the Mayor to execute the approval documents. Exhibits: Table 1.

Frank Pondrom, Housing & Community Development Director, said they had been working with the ZOE Need Center and Lawton Urban Renewal Authority in building single family homes; ZOE has requested the City participate in this effort with \$150,000 to be used, not to ZOE Needs, but to their clients who will be home owners of newly constructed houses. Pondrom said when the request was received, he looked through the accounts and came up with a way to provide \$150,000 of CDBG funding to fund this effort by taking some funds from the small business loan fund from 1992 and 1997, from CDBG contingency and office renovation project. Williams asked if there was other CDBG funding available that could be found for projects.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Smith, to approve the change and authorize the Mayor to execute the approval documents. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

4. Hold a public hearing to consider Change 3 to the Consolidated One-Year Action Plan for FFY 1997, receive input from citizens, consider approving the change, and authorize the Mayor to execute the approval documents. Exhibits: Table 1.

Pondrom said a request was received from the Lawton Heritage Association for funding for renovation work at the Mattie Beal Home. He said after initial work started, additional needs were found that were not covered by the \$17,508 and \$20,000 additional is requested to take care of some emergency matters involving replacing all of the roofing tiles. Total amount for the Mattie Beal project will be \$37,508.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shanklin, to approve the change and authorize the Mayor to execute the approval documents. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

6. Consider directing staff to bring back for a condemnation hearing or issuance of a permit to remodel to the owners of 3416 Oak. Exhibits: 1/27/98 Council Minutes Excerpt.

Dan Tucker, Code Administration Director, said 3416 Oak was involved in a fire on November 16, 1996, and has remained in an uninhabitable state since that time. On January 27, 1998, the property was brought to Council for consideration of condemnation and the Council, upon presentation of some facts and statements, struck it from the consideration for condemnation list. In June 1999, staff visited the property to determine if there had been a change, and the property owner came in on June 23 and was issued a building/remodel permit that was valid for a period of six months. Tucker said inquiries were received after the permit was issued, and the response was that a permit had been issued and work was to be proceeding, and they would check it again at the end of the permit. Staff went out to see if the remodel had been completed and a dumpster had been placed on the property but no substantial remodel or work had been done. Tucker said the day after the permit expired, the owner came in and wanted to apply for another remodel permit to gain another six months before another action would be taken on the property. Tucker said at that time he advised the owner that he would not take it upon himself to issue yet another remodel permit and have it sit there, and that he would be afforded the opportunity to address the Council and that this action would be asked for tonight. Tucker said he was seeking guidance as to whether he should issue another remodel permit or take action to bring it back to Council for consideration of other actions.

MOVED by Warren, SECOND by Williams, that Council direct Mr. Baker to cause staff to bring back a condemnation hearing for this property located at 3416 Oak.

Purcell said he supported this but hoped we were not going through a drill again; if it is to be brought back as a condemnation action, he hoped everyone on the Council would support it instead of just putting staff through a condemnation action then Council says to wait another six months and we are back here.

Shanklin asked what will happen if he sells this property and a new owner comes in and wants a building permit. Williams said he did not think they would get it. Shanklin said you are not going to tear that down out there; they will take it to District Court. He asked why Council wanted to tear it down, and Williams said the man has had three years to do something. Shanklin said this gentleman is not able to do it, you saw him, he is in a wheel chair. Williams said then he

ought to sell it. Shanklin said if he sells it, you will have an individual down here and asked Purcell if he was saying Council should deny it. Purcell said Council could decide but if Council is not going to do this, there is no need to tell the staff to bring it back as a condemnation and that he would vote against the motion if Council is not going to condemn it. Purcell said we have this problem every single time; we tell the staff to condemn a piece of property; we go through this for 12 months, sometimes as long as 18 months. Shanklin said not on every one. Purcell disagreed and said if we are going to condemn it, bring it back, and if not, just let it sit there until someone sells it and then we will give them a building permit.

Shanklin asked if Council could allow a building permit that would not last for six months. Vincent said the Code could be amended to allow that but it cannot be done at this time. Shanklin said if the man sells the property in the next two weeks and it is still on condemnation; if he came in and looked like he could get the job done, will Council still say we will destroy it and tear it down. Williams said a prospective owner should understand there is a high likelihood that what he may be purchasing would be condemned; just like these Sheriff Sale pieces. Williams said Councilman Shanklin has been a big supporter of trying to clean our town up and that he realized what Shanklin was saying and remembered the gentleman that came down in the scooter and he had a couple of pieces of property; one was an old trailer over in Ward 5, and that he did not know the outcome of that property. Shanklin said that was torn down. Williams said this is a large lot in a nice neighborhood and those houses need to be fixed up. Shanklin said he had to agree and said it is in Ward 3. Devine said he could not make a comment because it would be a conflict of interest.

Shanklin asked if the motion is to bring it back for demolition. Mayor Powell said the motion on the floor is to bring it back for condemnation. Purcell said if we are going to put the staff through bringing it back for condemnation, Council should not go back and say, well, let's issue a building permit; if we are going to do that, then disapprove the motion for condemnation or approve the condemnation and stick to it for more than one meeting.

Williams asked if houses that are condemned are somehow tagged for a prospective buyer to know the house had been condemned in case it is later sold at a Sheriff's Sale. Tucker said he believed the City Code and State Statutes require that notice. Vincent said he checked with the City Clerk to make sure we are doing this and upon action by the Council to approve a resolution of condemnation, we file a prospective lien on the property with the County Clerk and it becomes a part of the abstract.

Mayor Powell said we have a motion on the floor for condemnation, and a second. He said it was his understanding that if Council approves this motion, there will be no consideration for this owner or another owner in case they want to fix up this property and that should be considered. Shanklin asked if that was correct. Purcell said it would have to come back next time. Shanklin asked if Council votes for condemnation, is that it. Williams said they are voting to bring it back. Shanklin asked if it would come back at the next Council meeting. Vincent said they will have to go through the formal notice procedures. Tucker said he had to give 10 days' notice and could have it back on the next agenda.

Shanklin asked if we would make any effort to contact Mr. Gilley by the staff. Tucker said he had been in contact with Mr. Gilley during this process, explaining that this would be requested tonight and that no action would be taken until a public hearing was held and he would have the opportunity to discuss his plans or whatever he may want to do. Shanklin said this room has been full of people who lived up and down Oak and they never mentioned anything about a blighted house when they were talking about 38th and Cache Road. Shanklin said this burned out house has been there for four years but he would hate to see us put our heads in the sand and tear the house down just because we had the authority to do so. Williams said he thought it would only happen once and that might send a clear message to everybody else that the Council means business and that we are going to clean this town up. Shanklin said we do not have the authority clean it up. Williams said we can try.

Baker said this address was discussed by Council at a past meeting; it was mentioned at a Council meeting and he made note of it and turned in the address himself the next morning, and that is what prompted this particular action.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Purcell, Beller, Haywood. NAY: Shanklin. ABSTAIN: Devine. MOTION CARRIED.

7. Consider a resolution to approve the operation of loud machinery by the Morford Hills Neighborhood Association. Exhibits: Resolution No. 00-10; Letter from Morford Hills Neighborhood Watch Association; City Code Excerpt.

Smith said he brought this item forward and the news last night showed the situation in the neighborhood. He asked Tucker to explain further. Tucker said the ordinance requires a resolution by Council to suspend the strict enforcement of the noise code. Tucker said the device is similar to the machine used in the Library Plaza a few years back when we had the bird problem in that area and the droppings, and it is a propane fired device that is fired for a short period of time before sunset, continues for 20-30 minutes after sunset, and it looks like a canon but there is no projectile launched or explosion hazard; it is a noise maker.

Mayor Powell asked if the City of Lawton had used such a device on City property for the same reason, to get rid of birds. Tucker said yes.

Shanklin asked if the resolution will allow the residents to start this tomorrow. Tucker said yes, and the resolution does not state a period of time and he would not know how long it would be necessary. Shanklin said it will be up to the residents. Tucker said he would bring an item back at the appropriate time to rescind the resolution. Devine said the media needs to be notified when this will be done so people will know what is going on.

MOVED by Devine, SECOND by Smith, to approve Resolution No. 00-10.

Beller said if we shot this in the Library Plaza, it could have caused the birds to relocate to the Morford Hills area, and they will go somewhere else if they are displaced again. He said he wondered if the City would be responsible or liable if it permitted the gun to be fired and the birds move two blocks north.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-10

A resolution suspending the strict enforcement of Section 16-4-2-425, Lawton City Code, operation of loud machinery at certain designated locations within the City of Lawton, Oklahoma.

8. Consider allowing the Parks & Recreation Department to co-sponsor, with the Lawton Chamber of Commerce, a series of adult softball tournaments for the year 2000. Exhibits: None.

Gary Salva, Parks & Recreation Director, said the department has co-sponsored regional, state and national softball tournaments for several years. He said last year the level of accountability and cooperation between the Chamber and department really rose to a new height and they felt very good about the success from last year. Salva said staff proposed to the Parks & Recreation Commission last night that they recommend to the Council that three tournaments in this fiscal year and three in the next fiscal year be approved and that the department co-sponsor the tournaments. He said Chamber members are present and they are very enthusiastic about the relationship continuing. Salva said the Parks & Recreation Commission Chairman, Tom Hall, is also present and the Commission voted unanimously to approve this. He said the recommended action is for Council to approve the co-sponsorship with the Lawton Chamber of Commerce for the proposed softball tournaments for this year, subject to availability and appropriation of funds in the fiscal year 2000-2001 budget.

Purcell asked if this was talked about previously and the action is so everyone will know the City is spending money and sponsoring this and Salva said yes.

MOVED by Purcell, SECOND by Haywood, to approve the co-sponsorship with the Lawton Chamber of Commerce for the proposed softball tournaments for the year 2000, subject to availability and appropriation of funds in the 2000-2001 budget. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

9. Consider adopting a resolution to amend the Schedule of Fees and Charges for Athletic Field Tournament Rentals. Exhibits: Resolution No. 00-11.

Salva said the Parks & Recreation Department offers many services throughout the year to different groups of people; one of these services is that we offer our softball and baseball fields for reservations for private tournaments. He said it has never been clear in past years, and staff is looking at the operating procedure to make sure it is operating as efficiently as possible, but it has never been clear what the levels of services are and a menu of services has never been established. Salva said we are allowing the people to choose from a minimum level of services to a maximum level of services so that the burden of the maximum level does not fall on the Parks & Recreation Department, essentially supplying overtime for private tournaments. He said this issue was brought to the Parks & Recreation Commission last night and they approved that these new fees be added to the current fee schedule established in the City Code.

MOVED by Williams, SECOND by Haywood, to approve Resolution No. 00-11.

Keith Jackson said he has a great deal of interest in what takes place at the softball complex in addition to the privately-owned tournaments that take place. He said any citizen in Lawton can hold a privately-owned softball tournament. Jackson said the thing that concerned him the most was that he was not made knowledgeable that this was even going to be on the agenda tonight. He said he still did not know what the fees were going to be and that would greatly affect the future of softball tournaments in Lawton if the fee structure is changed. Jackson said he was very disappointed that he was not called and asked to come to the Recreation Commission meeting or at least have some sort of input since, for 17 years, he has had input at the softball complex and he wrote the by-laws and original contract at the softball complex in 1981. He said he did not know if it was necessary that Council table the fee structure until he has had an opportunity to look at it but that he was real concerned about it.

Beller said this came as a recommendation from the Parks & Recreation Commission and he was certain those folks knew what they were doing and that he was sorry that they did not contact Mr. Jackson. He said if they would have contacted Jackson, perhaps they would have had to contact a number of others who are also concerned about the fees. Beller said the recommendation should speak for itself.

Baker said these fees will not be charged for those tournaments which Council just approved as a co-sponsor. Salva said that is correct and all fees are waived as a co-sponsor. Baker said if the City is a co-sponsor, these fees will not apply.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-11

A resolution amending the Parks & Recreation Department's schedule of fees and charges for various community activity services and use of city buildings, facilities and grounds and providing for an effective date.

10. Consider an expenditure plan for the 2000 Capital Improvements Program. Exhibits: 2000 CIP Program Expenditure Plan; Memorandum from City Manager.

Gary Jackson, Assistant City Manager, said staff had developed an expenditure plan which was contained in the agenda packet for implementing the 2000 CIP Program. He said a memorandum from the City Manager indicates he would like to have all projects constructed, under construction or designed within the five year span of the CIP, and with this goal in mind, staff had developed the schedule. Jackson said some priority projects must begin immediately; the landfill is first and foremost and a recommendation will be made that \$5 million in revenue bonds be issued, and if this plan is approved, an item will be returned in that regard to a subsequent meeting. He said another key element of the plan is the method for the financing of the Central Junior High and other public school improvements; the \$12.2 million that the school represents out of the \$45.5 million in sales tax has been divided equally over the 60 months which comes to \$203,333 per month for the school portion. Separate documents will be presented as to a contractual arrangement or whatever legal form that is needed.

Jackson said due to the financing of bonds, there will be interest costs involved so we have had to be very careful with the scheduling and timing of the projects, and only with some growth and interest earnings will some of the projects be financed. He said some of the projects are shown at the very end of the schedule of funding. There will be interest cost on the bonds for the landfill, but with interest earnings and some growth over the five year period, it was hoped that all of the sales tax projects could be financed; obviously all ad valorem projects will be ad valorem bond related and will not be dependent upon the sales tax receipts.

Jackson said another item that is not in writing but is understood is that a major portion of the street projects are dependent upon ODOT matching funds; it has always been a fundamental understanding that without that match we would not be able to do those projects and we are working diligently to try to get those on the state plan for funding.

Jackson said the Finance Director had developed a projected debt issue schedule showing the projects, date when we propose to issue debt, the amount, and whether it is from sales tax or ad valorem. It is done in the first quarter of each of the years of the five-year plan.

MOVED by Haywood, SECOND by Smith, for approval of the Capital Improvement Expenditure Plan and authorize staff to proceed.

Purcell said the plan shows \$203,000 per month to the school system and asked what the projected monthly sales tax collection would be. An exact number was not stated.

Shanklin asked if we would be borrowing money from the Water Resources Board. Jackson said we will be selling revenue bonds. Shanklin asked the cost of that action. Steve Livingston, Finance Director, said the landfill would not qualify for any kind of Water Resources funding and would be done through revenue bonds at a future meeting. Livingston said Mike Prescott of the Leo Oppenheim firm, which is the financial advisor, is present and could suggest an interest rate, but an item will be presented to Council in the next two or three weeks. Shanklin asked if it will show an offset on the arbitrage. Livingston said on the long term for the water treatment plant rehabilitation which has some ad valorem funding and some short term financing, we will try to use the Water Resources Board on those programs because they will qualify for funding from that source; the street projects will not qualify for funding like that and they would be general obligation bonds. Shanklin asked if Council will be told the cost next time in interest. Prescott said that will be included when the item is brought forward, although it will not be ready by the next meeting.

Baker said part of this program is to publish a quarterly status report in the newspaper. He said one of the criticisms voiced during the campaign for the CIP was that the citizens are not kept informed; they approve the funds and never hear anything from them again. Baker said it is important to keep the citizens informed and a quarterly report outlining the projects and their status and the funds that have been spent is very important and we must maintain that credibility with the citizens. He said if Council approves this plan, it will give staff clear direction on how to proceed on these projects and we want to get them done as efficiently and expeditiously as possible. Baker said Council can change the plan in the future if needed but this will at least provide direction at this time.

Shanklin said there have been CIP projects for 15 years; in 1985 there were \$60 to \$70 million in projects but it was known that only \$30 million would be generated so some of the projects did not get done. He said citizens thought they were short-changed as a result. Shanklin said CIP funds have been spent on the projects the Council said they would be spent for and nothing else. He said citizens have been told where the funds were spent if they read the paper.

Mayor Powell said he received a letter last week from Frank Wamsley and it was in the newspaper also, and that statement was that he had checked into the past history of the CIP and that it is squeaky clean. Shanklin said \$8-9 million was left over from the 1990 CIP and some of it has just now been spent because more money was generated than projects were shown. Williams commended Mr. Wamsley for being very conscientious in working on the CIP Committee and stated he is a Ward 2 resident.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

11. Consider entering into a professional services agreement to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: City Attorney Memorandum Opinion No. 2000-01; Letter of proposed scope of services from Duffy Wall and Associates; Consultant Agreement.

Mayor Powell said he received a call from Mr. Reskovac with this lobbying firm and they would like to proceed with the Lawton-Fort Sill community. He said this was in no way an attempt to take anything away from the Cannon Cockers, but they are paid a fee there and the firm would like to do this for the Lawton-Fort Sill community for no fees other than expenses they may incur; after a two or three month time frame, they would look at it and see what the work load is and what can be done and go forward at that time. Mayor Powell said that was the result of Mr. Reskovac's conversation and this would be pretty cheap work.

Williams said it was his understanding that Mr. Reskovac may have provided a similar service to the Chamber of Commerce a few years ago through hotel/motel funds and Council had a problem using those funds for lobbying efforts, although he could be wrong in his remembrance. He asked how the Chamber and Cannon Cocker efforts would be impacted by this. Mayor Powell said Duffy Wall is the lobbying firm and the Cannon Cockers lobby on behalf of Fort Sill, and the firm is willing to work for funds for the Lawton-Fort Sill community in addition to what they are doing for Fort Sill and certainly not take away anything from what they are doing for Fort Sill, and we do not want to interfere with that whatsoever, but the firm will look for funds that may be available for economic development or any other items.

Purcell said it appeared the firm would basically be providing some services for free, except for the expenses, and the City Attorney could return an agreement in that regard and include a number to limit the expenses allowable.

Beller said political power in Washington, D.C. accomplishes things and Bill Brewster is involved with this firm and it will be money well spent.

Devine said he would like to see the numbers before making a commitment. Mayor Powell agreed and said if you can spend \$5,000 and get \$30 million back, that is good. Devine agreed.

Shanklin said Item 8 states that the City Manager shall be the City's representative for all matters pertaining to this agreement. He asked what that would involve. Vincent said an immediate contact point was needed for the consultant to be able to contact at any time to get things moving here if needed.

Council consensus was to return the item to approve the contract as discussed above.

12. Consider adopting an ordinance amending Chapter 20, Article 1, Section 20-1-101(A) regarding issuance of revocable permits for the limited use of public ways and easements. Exhibits: Ordinance No. 00-_____.

Shanklin said he would like to table this for everyone to have an opportunity to study it a little longer and return it to the next meeting. He said he did not like some of it and that nothing was accomplished as far as any leeway to the citizens.

MOVED by Shanklin, SECOND by Purcell, to table this item until the next meeting. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

13. Consider scheduling a Council retreat. Exhibits: Memorandum; Proposal.

Williams said discussion was held on this some time back to allow the members to come together in a setting that is not a structured meeting and do some long range planning, and map out a strategy of how to get there. He said each year there are questions of how you find the money and balance the budget and keep all the employees happy, and things of this nature, and sometimes Council does not have an opportunity to see the bigger picture. Williams said an economic development briefing was given earlier and there may be opportunities in that regard. He said they could consider things that Council could be a part of, as well as the staff, and look for ways to move Lawton forward.

Devine said he was in support of this and that some information was put out that may have been taken wrong; we started putting figures together on it and many people were skeptical. He said Purcell could contact Fort Sill for help and it may not cost the City anything. Devine said he was agreeing with it but did not think a lot of money should be spent on it; it can be done in-house and not cost a great deal.

Purcell said the Army has had organizational effectiveness, or OE training, for years, and they have people specially trained in that regard. He said many in the private sector started off doing this in the Army. Purcell said he called Lt. Col. Ewing today to let him know he planned to bring this up tonight, and he felt it was a good idea for the Council to sit down in a room other than the Council Chambers, and if they ask Fort Sill, they may have someone who is very good at this and could be a facilitator and someone might volunteer as a community service to spend one weekend doing this and it would not cost anything, other than perhaps renting a room for it. He suggested Lt. Col. Ewing could assist in such an effort or Purcell said he could call if that would be better.

Beller said it will have to have 100% participation by the Council and that should be determined. He said this morning he

spoke with Keith Bridges, who is involved with economic development and other areas at the Vo Tech School, and he could possibly assist, so there may be two sources of help available. Keith Bridges said Vo Tech could possibly help find someone with this expertise but they do not have anyone that does it on a full time basis. Beller said if Fort Sill could not find anyone, this could be a fall back. Beller said one of the items mentioned was team building, and the fact that members disagree does not mean they do not want to go forward, and that the right to disagree is inherent in a democracy, so they do not have to all agree but to build a team spirit, all of them should be there and participate. He said he was not in favor of spending funds in the amount shown and that it would be a waste of time if everyone did not participate. Beller said he thought they would all gain something from it, even if it was only understanding each other better. Bridges offered Vo Tech's help in any way possible and agreed it takes 100% participation or it does not do any good.

Shanklin said he was asked about this and his quote was in the paper about vision, and we had vision 30 years ago and are paying for it at \$1.3 million per year and it will not be over until 2030. He said he did not want that kind of vision and said we are looking at another one at SE Coombs Road with the water treatment plant if we do not have the population gain. Shanklin asked if this would just be the Council and no one else; he said he needed Marilyn Feaver, Keith Bridges and other people, someone from Fort Sill, but just to say the Council, if they had that kind of vision, they would be in the Pentagon in six months.

Smith said he felt the Council should initially get together as a governing body and toss around some ideas without putting anything down in stone, and then have a series of public meetings at the Library or some place away from this platform, and bring in the citizens to share what they think the vision of the City is; then put out a consolidated plan for the City's future.

Shanklin said seven or eight months ago, five of them had a vision for a concerted effort between the schools and the City, and five of them, Mr. Purcell came on board and did a yeoman job, but it was five to four, and that did succeed. He said he wondered where those visions were then. Shanklin said he was not an "againer" but did not understand the idea of why suddenly we needed this vision; we needed everybody to be on board when we had that battle in November.

Devine said if we keep living in the past, we will never move forward. He said he was not trying to argue the point with Shanklin. Devine said one of his priorities is the Southeast Water Treatment Plant and if we are to grow, we have to get water and if we do not have any more water, we cannot grow. Devine said we do need to look to the future and everybody says Lawton is 20 years behind time and needs to move up to date and look forward instead of looking at the past mistakes, but try to move forward and make the City a better place in the future.

Purcell said we seem to be hung up on the word "vision" and we can forget about that for a second and just have a meeting to talk things out and learn how to cooperate a little bit better, and maybe a vision is in there. He said maybe we will not get a vision out of it in one weekend, but maybe we will start off on a path that may lead to a vision.

Williams agreed Shanklin was correct that the \$1.3 million was an albatross around the Council's neck and it grows every year on Lake Waurika. He said if the community is not growing to the extent where it will be drawing from that, surely we can sell water to Sterling, Fletcher, Elgin, Apache, Geronimo, and the opportunities are endless, with water probably being that commodity in the years to come that will really set this community apart.

Shanklin said he had been trying to get the Council to do outside water sales now for a year and could not get them off their duff. Williams said Shanklin has been sitting on that committee for as long as he had been on the Council.

Beller suggested that we ask Mr. Purcell, because of his liaison with Fort Sill, through Lt. Col. Ewing, to run down some facilitators and where an appropriate meeting place may be, and bring the information back to us and let us go from there. Mayor Powell suggested Mr. Bridges also see what Vo Tech has to offer.

Mayor Powell said he thought Lawton was on the move; we passed the first ad valorem tax since 1964 on November 9, 1999. He suggested members drive around and see what is happening here; building is going on all over the place and there have been 1,828 jobs either expanded or new in the last three years, and that did not happen by accident. He said actions are taking place and Lawton-Fort Sill is on the move, and it is good to add to that each and every year and the members have things they want done and it is time to move forward with those and bring them up.

Shanklin said he hoped we were not going to have a retreat so Council could vote eight to zero on every issue. He said if everyone voted alike, some would not be thinking.

MOVED by Beller, SECOND by Smith, that we do work toward the retreat idea and let Mr. Bridges and Mr. Purcell pursue it and bring this back to us and see if a place is available, the facilitators, and see if we are more acceptable to the idea. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

14. Consider having three Council Members serve as part of the City's negotiating team for police and fire union collective bargaining. Exhibits: None.

Discussion and action on this item is inserted verbatim as follows:

"Mayor: Mr. Devine, please.

Devine: Mayor, my reasoning for bringing this before the Council is we've had some major problems with the negotiating on some of the last few salary increases and we had comments from both sides that our information was misleading or maybe wasn't all given to us. I think that by putting at least three council members, a negotiating team, maybe they're not going to be there to do any negotiation but they're going to be there more for observers that this will be able to have three people that can actually bring the information back from both sides to the Council and maybe we can get the right information so it won't be misled and that was the reasoning for me to bring this forward.

Williams: Make a motion.

Devine: I make a motion that we appoint three council members...

Shanklin: On a rotating basis or how do you want to do it?

Devine: However you want to do it, Bob.

Shanklin: I mean, we could rotate around, but we're only doing, we could put three to fire or four to fire and four to the police and that would get everybody involved. We could have four, could you not? That's not a quorum. Yes, you can have four.

Devine: I have no problem with that Bob, I just think that we need to get Council in negotiations to where we're going to get the true information when we walk in. And for God's sakes I'm not saying that anybody has brought up any, but that was the big fight that everybody complained that we got misleading information.

Mayor Powell: Is that what you want to do is four and four then? Four fire and four police?

Devine: That's fine. Is that all right with you, John?

Purcell: Fine with me.

Mayor: G. Wayne.

Smith: And I have absolutely no problem with that, the only way I would, we would have to make certain that council members going are participating in either of those negotiations have to keep their mouth shut while they're in that room. They are there strictly to observe.

Devine: G. Wayne, I said that we're not there as negotiators, we're there for observers, that's exactly what I said. We're not there to negotiate, we're there to observe what's going on.

Mayor: Did you make that in the form of a motion?

Devine: Yes, sir, I did.

Shanklin: Second.

Mayor: All right. Motion on the floor and also a second. Now, how are we going to decide where the four and four, who wants, how are you going to do that?

Shanklin: Mayor, you can do that tomorrow.

Mayor: Thank you, sir. I'll be happy to do that.

Devine: Sir, I'd like that to be brought back to be the Council members to chose that and that way we can work that, maybe again we can all agree to something again to who's going to be on it and that way it kind of leaves you of the fire place.

Mayor: Whatever your desire is.

Shanklin: Just drop by and tell the Mayor which one you want. I think you're in good shape just like you are without having to redo it again.

Devine: My motion is that we appoint, Council appoint four members of the Council to serve on the negotiating team as observers.

Mayor: The Council appoints?

Devine: The Council appoints.

Mayor: And how's that going to be done?

Devine: Pardon?

Mayor: And how will that be done?

Devine: The Council will appoint them by setting a group together, we'll sit down and talk, we can take volunteers, it doesn't make any difference.

Vincent: Once we receive the letters requesting negotiations from police and fire, either the City Manager's Office or our office will be scheduling an executive session under the Open Meetings Act to discuss what we're going to do this fiscal year in negotiations and we could discuss that at that time.

Devine: That would be fine.

Mayor: Motion on the floor and also a second that these four be appointed by Council and leave the Mayor out of it. There's a second; is there a second?

Purcell: Second.

Mayor: OK. Brenda." End Verbatim Portion.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

15. Consider accepting a grant received from the Oklahoma Department of Wildlife Conservation (ODWC) in the amount of \$176,000 for the Robinson's Landing Restroom project and authorize staff to pursue a similar project at School House Slough. Exhibits: Letter.

Ihler said in January Council authorized that staff begin design of a lagoon system and new restrooms and lift station at Robinson's Landing and proceed with the \$120,000 budgeted for this purpose; staff was also asked to pursue grants from ODWC to help participate in funding the project. He said this was done and in December we received notice that a grant in the amount of \$176,000 was approved. Ihler said as part of the grant, the City is to participate with 25% of the funding and the City's portion should be addressed through in-kind services. Ihler said this item request that the grant in the amount of \$176,000 be accepted, and to allow staff to pursue an additional project at Schoolhouse Slough for new restrooms and construct a third cell lagoon north of Lakeland Addition, and authorize staff to pursue a similar grant application for the project and use the same \$120,000 that has been budgeted as the up front money for the City's share of the grant.

Shanklin said he wanted the City Manager to tell how we got the \$176,000; he brought a person to the City Manager's office who had been begging the City to put in for a grant. Baker said he remembered that meeting and that he discussed the issue with Mr. Ihler after that and staff got with those people and there is grant money out there and we are going after it now.

Baker congratulated Mr. Ihler and his staff; we are leveraging \$120,000 to get \$430,000 in projects accomplished and at the end of that construction we will still retain that \$120,000. Shanklin said he wanted to congratulate Mr. Larry Cofer because he had told him on several occasions that the City could get the money but staff would not proceed with it until it was brought before the City Manager.

MOVED by Haywood, SECOND by Williams, to accept the grant of \$176,000 and authorize staff to pursue a similar project at Schoolhouse Slough.

Mayor Powell suggested people in the area be notified when we are building lagoons and explain that it will not contaminate the lakes.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

16. Consider a resolution approving modifications and revisions to the City's existing general pay plan; providing for limitations; establishing an effective date; and repealing Resolution 99-111 as amended. Exhibits: Resolution No. 00-12.

Baker said on January 11 Council approved a 2.5% increase for the general employees to be effective the first pay period in March. He said this item is a resolution to formalize that action to amend the pay plan. Baker said the estimated cost of the action is \$133,000 this year and you multiply that times four to see the impact next year.

MOVED by Purcell, SECOND by Beller, to approve Resolution No. 00-12. AYE: Williams, Devine, Purcell, Beller, Haywood. NAY: Smith, Shanklin, Warren. MOTION CARRIED.

(Title only) Resolution No. 00-12

A resolution approving modifications and revisions to the City's existing general pay plan; providing for limitations; establishing an effective date; and repealing Resolution 99-111 as amended.

17. Consider an ordinance relating to personnel, amending Section 17-333, amending Section 17-337, and amending Section 17-347, Chapter 17, Lawton City Code, 1995, as amended, providing for a revised definition of employee,

amending the list of employees allowed to join the system after initial employment, and providing for former employees who were prohibited from being a member of the city retirement plan because of other restrictions to be allowed to pay into the retirement plan and receive credit for previous years served with the city, providing for severability and an effective date. Exhibits: Ordinance No. 00-3.

MOVED by Beller, SECOND by Williams, to approve Ordinance No. 00-3, read the title only and waive the reading of the ordinance.

(Title read by Clerk) Ordinance No. 00-3

An ordinance relating to personnel, amending Section 17-333, amending Section 17-337, and Section 17-347, Chapter 17, Lawton City Code, 1995, as amended, providing for a revised definition of employee, amending the list of employees allowed to join the system after initial employment, providing for former employees who were prohibited from being a member of the city retirement plan because of other restrictions to be allowed to pay into the retirement plan and receive credit for previous years served with the city, providing for severability and an effective date.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

18. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Gina L. Graham; Betty Higgerson; Frederick Wayne and Nancy Denney Holman; Robert M. and Shirley J. Lussier; Sabine and Jeffrey Mowry by and through their attorney John P. Zelbst; Edward Deral and Dawn Paulk; Bobby G. and Deanna L. Peters; Irma Richardson; and Ha Vu by and through her attorney John P. Zelbst. Exhibits: Legal Opinions/Recommendations. (Resolution Nos. 00-13; 00-14; 00-15; 00-16; 00-17; 00-18; and 00-19) Action: Approval of resolutions shown below; approval of: Higgerson - \$187.50; Richardson - \$187.50.

(Title only) Resolution No. 00-13

A resolution authorizing and directing the City Attorney to assist Gina L. Graham in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred Twenty-Three and 42/100 Dollars (\$623.42).

(Title only) Resolution No. 00-14

A resolution authorizing and directing the City Attorney to assist Frederick Wayne and Nancy Denney Holman in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Seven Hundred Ninety-Four Dollars and 49/100s (\$1,794.49).

(Title only) Resolution No. 00-15

A resolution authorizing and directing the City Attorney to assist Robert M. and Shirley J. Lussier in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Two Thousand Two Hundred Thirteen and 74/100 Dollars (\$2,213.74).

(Title only) Resolution No. 00-16

A resolution authorizing and directing the City Attorney to assist Jeffrey and Sabine Mowry in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Four Hundred Ninety-One and 21/100 Dollars (\$1,491.21).

(Title only) Resolution No. 00-17

A resolution authorizing and directing the City Attorney to assist Edward Deral and Dawn Paulk in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Thousand Seven Hundred Fifty and 39/100 Dollars (\$4,750.39).

(Title only) Resolution No. 00-18

A resolution authorizing and directing the City Attorney to assist Bobby G. and Deanna L. Peters in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand One Hundred Eighty-Four Dollars and 03/100s (\$1,184.03).

(Title only) Resolution No. 00-19

A resolution authorizing and directing the City Attorney to assist Ha Vu in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Sixty-Five and 02/100 Dollars (\$1,065.02).

ITEM 19 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

20. Consider a resolution authorizing the installation of traffic control devices at the specified locations. Exhibits: Resolution No. 00-20; Excerpt from 12/16/99 Draft Traffic Commission Minutes.

(Title only) Resolution No. 00-20

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations: 1) Install 35 mph speed limit signs along SW 17th Street from Bishop to Lee; 2) Install yield signs at the intersection of NW 76th and Taylor yielding north/south NW 76th; 3) Widen the existing crosswalk at the intersection of NW 38th and Meadowbrook.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider providing consent to annex into the corporate limits approximately 591 acres of land adjacent to the landfill owned by the City of Lawton. Exhibits: Location Map. Action: That the City of Lawton consent to the annexation of the recently acquired land adjacent to the landfill and direct staff to prepare the necessary annexation ordinance.

23. Consider approving revisions to Council Policy No. 1-5 concerning the recognition of employees upon retirement. Exhibits: Proposed Council Policy No. 1-5. Action: Approve revisions to Council Policy No. 1-5. Revisions provide that an employee with ten years or more of service will receive a gift and that the cost of the gift shall be a minimum of \$80 and a maximum of \$100.

24. Consider authorizing the City Attorney to institute collection action against Juan G. Valdes, Jr., and/or enter into a promissory note with Mr. Valdes for the repayment of damages to a city vehicle and equipment. Exhibits: None. Action: Approval of item.

25. Consider authorizing the Oklahoma Municipal League to indicate in their request to the National League of Cities that the City of Lawton joins in the League's request for review of Town of Muldrow, et al. vs. Sequoyah County Rural Water District No. 7, Case No. 99-1081, in the Supreme Court of the United States. Exhibits: None. Action: Approval of item.

26. Consider approving the appointment of Jan Preece Gaddis as an Alternate Municipal Judge, and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Contract. Action: Approval of item.

27. Consider approving a Release of Mortgage on residential property belonging to Ms. Paula Hutchings located at 907 SW 49th Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval of item.

28. Consider approving two resolutions which amend Resolutions No. 99-149 and 99-150 deleting the requests to the Oklahoma Department of Transportation to designate NW 38th Street between Cache Road and US 62 and Flower Mound Road from Rogers Lane to East Gore Boulevard as state highways. Exhibits: Resolution Nos. 00-21 and 00-22.

(Title only) Resolution No. 00-21

A resolution amending Resolution No. 99-149 by deleting the request to the Oklahoma Department of Transportation to designate NW 38th Street between Cache Road and US 62 as State Highway 62 temporary or the appropriate highway designation.

(Title only) Resolution No. 00-22

A resolution amending resolution No. 99-150 by deleting the request to the Oklahoma Department of Transportation to designate Flower Mound Road from East Gore Boulevard to Rogers Lane as State Highway 7 temporary or the appropriate highway designation.

29. Consider accepting Lake Lawtonka Catwalk Painting Project 99-19 as constructed by R & D Painting and placing the maintenance bond into effect. Exhibits: Location Map. Action: Approval of item.

30. Consider accepting State Aid for Libraries grant of \$41,434 and authorize execution of the contract with the Oklahoma Department of Libraries. Exhibits: None. Action: Approval of item.

31. Consider awarding contract for an Arrow Board Light - Trailer Mounted. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Prime Equipment, Lawton, OK.

32. Consider awarding contract for Aluminum Sulfate - Ground. Exhibits: Recommendation; Bid Abstract. Action: Award contract to General Chemical Corporation, Parsippany, NJ.

33. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Lawton Municipal Planning Commission: Tony Layton, Ward 8, Term: 1/25/2000 to 1/25/2001

Museum of the Great Plains Trust Authority: Brent Easton, McMahon Foundation Representative, Term: 1/25/2000 to 6/30/2003

Commission on the Status of Women: Coree L. Steele, Ward 7, Term: 1/25/2000 to 2/23/2001

Lawton Metropolitan Area Airport Authority: Chuck Klein, Term: 1/25/2000 to 1/25/2003

Parks & Recreation Commission: Delbert R. Allen, Ward 7, Term: 1/25/2000 to 8/27/2000

34. Consider approval of payroll for the period of January 24 through February 6, 2000. Exhibits: None.

Williams asked for separate consideration of Item 21; Vincent asked for separate consideration of Item 19.

MOVED by Shanklin, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 19 and 21. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

19. Consider the following damage claims recommended for denial: Elliot and Barbara Newton; and Dale W. and Virginia L. Thompson. Exhibits: Legal Opinions/Recommendations.

Vincent said the Thompson claim has been withdrawn. He recommended the Newton claim be denied.

MOVED by Williams, SECOND by Shanklin, to deny the Newton claim. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

21. Consider requests for the installation of traffic control devices at the specified locations. Exhibits: Excerpt from 12/16/99 Draft Traffic Commission Minutes. Recommended Action: Deny requests for: 1) No parking signs along SW Lynwood from 65th to 67th; 2) No parking signs along NE Euclid Ave. from 48th to Winfield Circle; 3) Convex mirror at intersection of NW 16th and Ferris.

Williams asked how a convex mirror works, in regard to 16th and Ferris. Baker said it was his understanding that a mirror such as this would allow you to see three directions as you approach the intersection. Williams asked if there were any others in Lawton and Baker said he was not aware of any. Williams asked if this was a high accident area and knew there was a hill there. It was pointed out that the staff recommendation was for denial.

MOVED by Williams, SECOND by Smith, to approve the staff recommendation for denial of items in Item 21. AYE: Shanklin, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: Beller. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Smith encouraged participation in the YMCA Youth Cosponsorship Program for children.

Warren said Council had approved the Junior League and others to raise funds for impaired vision equipment for firefighters to use in smoke-filled rooms, and for defibrilators. He said the items have been received and training should start in the near future.

BUSINESS ITEMS:

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Darvan S. Patrick v. City of Lawton, et al., Case No. CIV-99-917-C, filed in the United States District Court for the Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

36. Pursuant to Title 25, Oklahoma Statutes SS 307(B)(4), consider convening in executive session for purposes of conferring with the City Attorney regarding a pending claim or action resulting from the reconsideration of the award of the arbitrator in FMCS Case No. 99-0628-13269-8 between the IAFF, Local 1882, and the City of Lawton and other related matters; take appropriate action as necessary in open session. Exhibits: None.

37. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. CJ-99-1388, filed in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

38. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the contractual provisions, employment, evaluation and any other necessary action of the individual salaried employees of the City Council including the City Manager, Bill Baker; the City Clerk, Brenda Smith; the Municipal Judge, John Kinslow and the City Attorney, John Vincent and take appropriate action in open session. Exhibits: None.

MOVED by Williams, SECOND by Smith, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:50 p.m. and reconvened in regular, open session at approximately 9:50 p.m. with roll call reflecting all members present.

Vincent said the Mayor and Council met in executive session to discuss a new lawsuit filed in Federal District Court in

Oklahoma City, Darvan S. Patrick v. City of Lawton, et al., Case No. CIV-99-917-C, and no action is required at this time.

Vincent said the Mayor and Council met in executive session to discuss FMCS Case No. 99-0628-13269-8, which is IAFF vs. City of Lawton, and no action is required at this time.

Vincent said the Mayor and Council met in executive session to discuss International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. CJ-99-1388, and no action is required at this time.

Mayor Powell said he and Council met in executive session regarding Item 38 as shown on the agenda and no action is required at this time.

There was no further business to consider and the meeting adjourned at 9:52 p.m. upon motion, second and roll call vote.